

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARL ESPOSITO, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC., E.  
STANLEY O'NEAL, CAROL T. CHRIST,  
ARMANDO M. CODINA, VIRGIS W.  
COLBERT, JILL K. CONWAY, ALBERTO  
CRIBIORE, JOHN D. FINNEGAN, JUDITH  
MAYHEW JONAS, DAVID K.  
NEWBIGGING, AULANA L. PETERS,  
JOSEPH W. PRUEHER, ANN N. REESE,  
CHARLES O. ROSSOTTI, LOUIS DIMARIA,  
PETER STINGI and JOHN AND JANE DOES  
1-20,

Defendants.

BARBARA BOLAND, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC., E.  
STANLEY O'NEAL, CAROL T. CHRIST,  
ARMANDO M. CODINA, VIRGIS W.  
COLBERT, JILL K. CONWAY, ALBERTO  
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JOSEPH W. PRUEHER, ANN N. REESE,  
CHARLES O. ROSSOTTI, LOUIS DIMARIA,  
PETER STINGI and JOHN AND JANE DOES  
1-20,

Defendants.

Case No. 07-CV-10687 (JGK)

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

Case No. 07-CV-11054 (MGC)

DEC 14 2007  
910 925-630147

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Lynda J. Grant, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

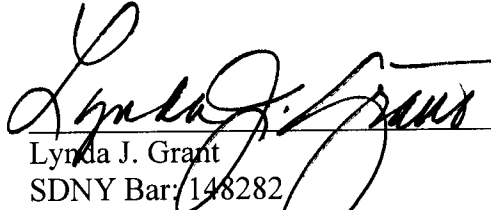
DEREK W. LOESER  
Keller Rohrback LLP  
1201 Third Avenue  
Suite 3200  
Seattle, WA 98101  
Phone: 206-623-1900  
Fax: 206-634-3384

DEREK W. LOESER is a member in good standing of the Bar of the State of Washington.

There are no pending disciplinary proceeding against DEREK W. LOESER in any State or Federal Court.

Dated: December 14, 2007  
New York, New York

Respectfully submitted,



Lynda J. Grant  
SDNY Bar: 148282  
Cohen Milstein Hausfeld & Toll, P.L.L.C.  
150 East 52<sup>nd</sup> Street  
New York, NY 10022  
Phone: 212-838-7797  
Fax: 212-838-7745

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARL ESPOSITO, individually and on behalf  
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Defendants.

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Case No. 07-CV-10687 (JGK)

**DECLARATION OF LYNDIA J.  
GRANT IN SUPPORT OF MOTION  
TO ADMIT COUNSEL PRO HAC  
VICE**

Case No. 07-CV-11054 (MGC)

Lynda J. Grant declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the firm of Cohen, Milstein, Hausfeld & Toll, P.L.L.C., co-counsel for Plaintiffs CARL ESPOSITO and BARBARA BOLAND in the above captioned actions. I am familiar with the proceedings in this case. I make this statement based on my knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Derek L. Loeser as counsel *pro hac vice* to represent Plaintiffs in this matter.

2. I am a member in good standing of the bar of the state of New York, and was admitted to practice law on March 23, 1983. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have know Derek W. Loeser the past several years, and am familiar with his practice. We have both been involved in complex ERISA class action litigation representing plaintiffs

4. Mr. Loeser is a partner at Keller Rohrback, L.L.P.

5. I have found Mr. Loeser to be a skilled attorney and a person of integrity. *See also* Exhibit A, declaration of Derek W. Loeser (to which a certificate of good standing is attached as Exhibit 1). He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of Derek W. Loeser, *pro hac vice*.

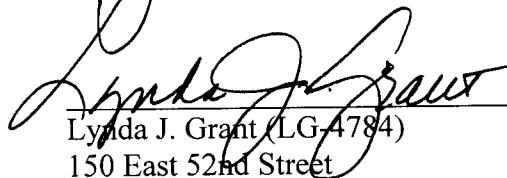
7. I respectfully submit a proposed order granting the admission of Derek W. Loeser, *pro hac vice*, which is attached as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Derek W. Loeser, *pro hac vice*, to represent Plaintiffs in the above captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 14th, 2007 in New York, New York

COHEN, MILSTEIN, HAUSFELD  
& TOLL, P.L.L.C.

A handwritten signature in black ink, appearing to read "Lynda J. Grant", is written over a horizontal line.

Lynda J. Grant (LG-4784)  
150 East 52nd Street  
Thirtieth Floor  
New York, NY 10022  
Telephone: (212) 838-7797  
Facsimile: (212) 838-7745

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**Case No. 07-CV-10687 (JGK)**

**AFFIDAVIT OF DEREK W.  
LOESER**

**Case No. 07-CV-11054 (MGC)**

DEREK W. LOESER, an attorney duly admitted to practice in the Courts of this State of Washington, declares, pursuant to the Individual Rules and Procedures of this Court and Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, as follows:

1. I am a partner with the law firm of Keller Rohrback L.L.P., Co-Counsel for Plaintiffs CARL ESPOSITO and BARBARA BOLAND in the above-captioned matters with Lynda J. Grant at the office of Cohen, Milstein, Hausfeld & Toll, P.L.L.C.

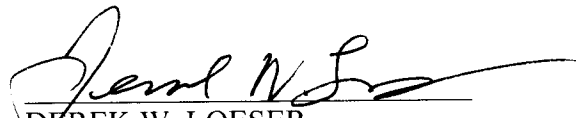
2. I submit this Affidavit in support of Plaintiffs' motion for my admission to practice *pro hac vice* in this matter to argue or try this particular case in whole or in part as counsel or advocate.

3. As shown in the Certificate of Good Standing issued by the Supreme Court of the State of Washington and attached hereto as Exhibit 1, I am a member in good standing of the Bar of the State of Washington.

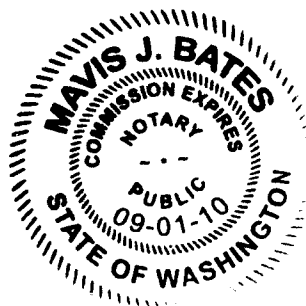
4. There are no pending disciplinary proceedings against me in any State or Federal court.

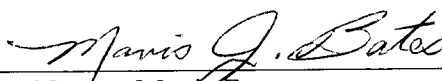
I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 13, 2007, at Seattle, Washington.

  
DEREK W. LOESER

SUBSCRIBED AND SWORN TO before me this 13th day of December, 2007.



  
Print Name: Mavis Bates  
NOTARY PUBLIC in and for the State of  
Washington; residing at: KING COUNTY  
My commission expires: 9/1/10

# IN THE SUPREME COURT OF THE STATE OF WASHINGTON

IN THE MATTER OF THE ADMISSION	)	BAR NO. 24274
	)	
OF	)	<b>CERTIFICATE OF GOOD</b>
	)	
DEREK WILLIAM LOESER	)	<b>STANDING</b>
	)	
TO PRACTICE IN THE COURTS OF THIS STATE	)	
	)	

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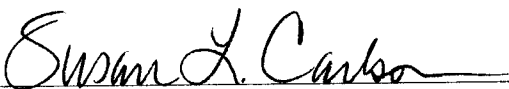
I, Susan L. Carlson, Deputy Clerk of the Supreme Court of the State of Washington, hereby certify

DEREK WILLIAM LOESER

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on November 15, 1994, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.



IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed  
the seal of said Court this 7<sup>th</sup> day of  
December, 2007.

  
\_\_\_\_\_  
Susan L. Carlson  
Supreme Court Deputy Clerk  
Washington State Supreme Court



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Case No. 07-CV-10687 (JGK)

**[PROPOSED] ORDER FOR  
ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Case No. 07-CV-11054 (MGC)

Upon the motion of Lynda J. Grant, Cohen Milstein Hausfeld and Toll, PLLC., attorney for Carl Esposito and Barbara Boland, and the Declaration of Lynda J. Grant, and accompanying exhibits;

IT IS HEREBY ORDERED that

DEREK W. LOESER  
Keller Rohrbach LLP  
1201 Third Avenue  
Suite 3200  
Seattle, WA 98101  
Phone: 206-623-1900  
Fax: 206-634-3384

is admitted to practice *pro hac vice* as counsel for Carl Esposito and Barbara Boland in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: December 14, 2007  
New York, New York 10022

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United States District/Magistrate Judge

UNITED STATES DISTRICT COURT  
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**Case No. 07-CV-10687 (JGK)**

**CERTIFICATE OF SERVICE**

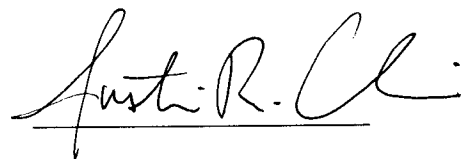
**Case No. 07-CV-11054 (MGC)**

**CERTIFICATE OF SERVICE**

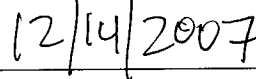
I, Justin R. Cambria, hereby certify that I am over the age of 18, and am employed by the Law Firm of Cohen, Milstein, Hausfeld, & Toll, P.L.L.C. On this 14<sup>th</sup> day of December, 2007, I caused true and accurate copies of the foregoing Motion to Admit Counsel Pro Hac Vice, Declaration of Lynda J. Grant in Support of Motions to Admit Counsel Pro Hac Vice, Affidavit of Derek W. Loeser, Certificate of Good Standing, and Proposed Order for Admission Pro Hac Vice on Written Motion, via UPS, upon the following counsel of record:

Paul Blankenstein Gibson, Dunn & Crutcher, LLP 1050 Connecticut Avenue, N.W. Washington, DC 20036-5306 Phone: 202-955-8693 Fax: 202-530-9532 pblankenstein@gibsondunn.com  Representing Defendants E. Stanley O'Neal, Carol T. Christ, Armando M. Codina, Virgis W. Colbert, Jill K. Conway, Alberto Cribiore, John D. Finnegan, Judith Mayhew Jonas, David K. Newbigging, Aulana L. Peters, Joseph W. Prueher, Ann N. Reese, Charles O. Rossotti, Louis Dimaria, and Peter Stingi	William Edward Bernarduci, Esq. Robert A. Izard, Esq. Schatz Nobel Izard P.C. 20 Church Street, Suite 1700 Hartford, CT 06103 Phone: 860-493-6289 Fax: 860-493-6290 wbernarduci@snlaw.net rizard@snlaw.net  Representing Sean Shaugnessey
Robert I. Harwood, Esq. Samuel Kenneth Rosen, Esq. Harwood Feffer LLP 488 Madison Avenue, 8th Floor New York, NY 10022 Phone: 212-935-7400 Fax: 212-753-3630 rharwood@hfesq.com srosen@hfesq.com  Representing Christine Donlon	Katherine B. Bornstein, Esq. Edward W. Ciolko, Esq. Joseph H. Meltzer, Esq. Joseph A. Weeden, Esq. Schiffirin, Barroway, Topaz & Kessler, LLP 280 King of Prussia Road Radnor, PA 19087 Phone: 610-667-7706 Fax: 610-667-7056 kbornstein@sbclasslaw.com eciolko@sbclasslaw.com jmeltzer@sbclasslaw.com jweeden@sbclasslaw.com

	Representing Elizabeth Estey and Tara Moore
<p>Ralph M. Stone, Esq.  Thomas G. Ciarlone, Jr., Esq.  Amanda C. Scuder, Esq.  Shalov Stone Bonner &amp; Rocco, LLP  485 Seventh Avenue, Suite 1000  New York, NY 10018  Phone: 212-239-4340  Fax: 212-239-4310  rstone@lawssb.com  tciarlone@lawssb.com  ascuder@lawssb.com</p> <p>Representing Mary Gidaro</p>	<p>Jay B. Kasner, Esq.  Skadden, Arps, Slate, Meagher  &amp; Flom LLP  Four Times Square  New York, NY 10036  Phone: 212-735-2628  Fax: 212-777-2628  jkasner@skadden.com</p> <p>Representing Merrill Lynch &amp; Co.</p>
<p>Edwin J. Mills  Stull Stull &amp; Brody  6 East 4th Street, 5th Floor  New York, NY 10017  Phone: 212-687-7230  Fax: 212-490-2022  ssbny@aol.com</p> <p>Representing Gregory Yashgur</p>	<p>Curtis V. Trinko  Wai Kin Chan  Law Office of Curtis V. Trinko, LLP  16 West 46th Street, 7th Floor  New York, NY 10036  Phone: 212-490-9550  Fax: 212-986-0158  kchan@trinko.com  ctrinko@trinko.com</p> <p>Representing Elizabeth Estey and Tara Moore</p>



Justin R. Cambria



Date